

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

OWEN W. BARNABY,
Plaintiff

)
)

Vs.

) Hon. Robert J. Jonker
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL
Defendants

) Case No. 1:22 -CV- 1146

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CERTIFICATE regarding compliance with LCivR 7.1(d)

FOR REQUEST FOR THE ENTERING OF DEFAULT

In accordance with W.D Mich. LCivR 7.1(d), the undersigned hereby certifies that on December 28, 2023, Plaintiff tried to contacted Defendants via their legal representative to ascertain whether they would object to Plaintiff's request of the Clerks to enter Default due to Defendants' , Failure to file an Answer to Plaintiff's 'Second and Third Amended Complaint (ECF Nos,10, 36) or a valid Motion, or a Motion Under Rule 12, and to appeal the District Court Orders and Final Judgment Judgments (ECF Nos. 35, 56, 67, 68). For the Grand total sum certain Default Judgment damages claim which is good through December 31, 2023, to the tune of \$22, 529,329.60.

First: Defendant – City of Benton Harbor

On December 28, 2023, Plaintiff seeks to contact Defendant – City of Benton Harbor, via its Attorney Emily P Jenks, by email EJenks@bodmanlaw.com with the hope that we could discuss concurrence to no avail. As such Plaintiff is not sure if they will file an objection.

Second: Niles Township Defendants

On December 28, 2023, Plaintiff seeks to contact the Niles Township Defendants via their Attorney T. Seth Koches, by email Koches@michigantownshiplaw.com, with the hope that we could discuss concurrence to no avail. As such Plaintiff is not sure if they will file an objection.

Third: Berrien County Defendants

On December 28, 2023, Plaintiff tried to contact Defendants' Attorney, Mr. Thaddeus Hackworth by email thackworth@berriencounty.org, on behalf of his clients: 1), Defendant - Lori D. Jarvis Registrar; 2), Defendant - Lora L. Freehling Registrar; 3), Defendant - Kathleen Culberson, Notary Public; 4), Defendant – Bret Witskowski, Treasurer; 5), Defendant – Shelly Weich, Treasurer; 6), Defendant – Board of Commissioner; 7), Defendant – Attorney Mckinley R. Elliott; 8), Defendant – Attorney Donna B. Howard; 9), Defendant – Attorney James McGovern; 10), Defendant – Berrien County Government; and 11), Defendant – Bret Witskowski, in his Individual capacity to ascertain concurrence to no avail. As such Plaintiff is not sure if they will file an objection.

Fourth: The State of Michigan

On December 28, 2023, Plaintiff seeks to contact The State of Michigan Defendants, via its Attorney Pendrick Kimberly Attorney General of Michigan, by email PendrickK@michigan.gov with the hope that we could discuss concurrence to no avail. As such Plaintiff is not sure if they will file an objection.

Fifth: Holmstrom Defendants

On December 28, 2023, Plaintiff seeks to contact Holmstrom Defendants by email jeff@holmstromlawoffice.com, with the hope that we could discuss concurrence to no avail. As such Plaintiff is not sure if they will file an objection.

Respectfully Submitted,

Dated: December 28, 2023,

\S/ Owen W. Barnaby
Owen W. Barnaby, In Pro Se.

CERTIFICATE OF SERVICE

The undersigned states that on the 28th day of December 2023, a duplicate original of Plaintiff's, "CERTIFICATE OF CONURRENCE to enter a Default", was filed with the Clerk of the Court, using the ECF System, which will provide electric notice to the parties of record, and I have mailed by U.S. Postal Service the same to relevant non-ECP participants.

Respectfully Submitted,

Dated: December 28, 2023,

\S/ Owen W. Barnaby
Owen W. Barnaby, In Pro Se.